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EXAMINER

NGUYEN, CHI Q

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/985,673
Filing Date: November 05, 2001
Appellant(s): MOYES, HARTLEY

Hartley Moyes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/23/2008 appealing from the Office action mailed 1/4/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interference, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal, is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 5/11/2007 has not been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

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Claims 18-20, 25-29, and 32-36, 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,766,774 to Lynch.

Claims 18, 19, 33, 36:

Lynch discloses a molded hollow door core comprising a door frame 20, first, second door skins 11, 11a, are attached to the door frame 20 so as to define a hollow core area 59 therebetween, at least one of said skins being a molded wood door skin (see Col. 1, lines 32-34, and 50-51), said one molded door skin having molded therein a plurality of panels 14, 15, (Figure 1) or 41-46 (Figure 2). Lynch does not specifically disclose the molded skin door has bond strength of at least about 2.0 or preferably 2.5N/mm².

Appellant fails to show criticality for the specifically claimed bond strength. The specific range of bond strength for the door skins would have been an obvious engineering design choice to provide appropriate bond strength for door skin and to prevent the skins from separating from the frame.

Claims 20, 25, 34, 35:

Lynch discloses the basic structural elements for door skins as stated and further teaches (Col. 2, lines 16-18) wherein each of said first and second door skins is a molded door skin formed by pressing a mat and transferring it under heat and Pressure to form the wood composite. However, Lynch does not teach expressly the molded door skin having density of at least about 550kg/m³ to about 1200kg/m³ or 800 to about 1200kg/m³ nor has a substantially constant density. Appellant fails to show criticality for specifically claimed skin density; therefore it would have been an obvious design choice to use the skin density such specified in these claims. Having a specific range of density

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for door skins would have been an obvious engineering design choice to provide hardness for door skins so providing stronger door structures. Furthermore, since the claims set forth an apparatus of the hollow core door, and the citation "a molded door skin formed by pressing a loose bat or mat into a wood composite flat door blank having a density of at least about 550kg/m³, and thereafter moisturizing, heating, and reforming in a press said flat door blank into a molded door skin..." is considered as a method of forming door skins and is not germane to the issue of patentability of the door skins. Therefore, this limitation has not been given patentable weight.

Claim 26:

Lynch discloses the basic structural elements for the claimed invention as stated, wherein further said one molded door skin has an outer planar portion, an inner planar portion, and a contoured portion 12/12a between and integral with said outer and inner planar portion (Fig. 3).

Claim 27:

Lynch discloses the basic structural elements for the claimed invention as stated, wherein further said outer planer portion lies on a plane that is coplanar with the plane of said inner planer portion (see Figs. 1-2).

Claim 28:

Lynch discloses the basic structural elements for the claimed invention as stated and further said contoured portion includes an angled offset portion 31-36 (Fig. 2) or 18- 19 (Figure 1).

Claim 29:

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Lynch discloses the basic structural elements for the claimed invention as stated and further said contoured portion has a thickness differing from the thickness of said outer an inner planar portions.

Claims 32 and 39:

Lynch discloses the basic structural elements for the claimed invention and further discloses a void 59 which can provide sufficient weight properties and sound properties (see col. 6, lines 60-61). However, Lynch does not specifically disclose a filler is a foam, at the time of the inventions was made it would have been obvious to a person in the art having an ordinary skill to fill with foam material for providing a thermal protection.

Claims 23, 24, 30-31, and 37-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,766,774 to Lynch in view of US Pat. No. 5,219,634 to Aufderhaar.

Claims 23, 24, 30, 31, and 37-38:

Lynch discloses the basic structural elements for the claimed invention as stated. However, Lynch does not specifically teach wherein said one molded door skin has an exteriorly disposed side having a moisture impervious barrier thereon and the moisture impervious barrier is selected from the group consisting of melamine impregnated crepe paper, phenolic resin crepe paper, and cross-lined polymer resin, and wherein said one molded door skin has an exteriorly disposed side having a pigmented sealer provides a uniform colored surface. Aufderhaar teaches a well-known prior art molded door assembly including an overlaid laminate of phenolic resin-impregnated paper (Col. 1,

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lines 16-23). In view of Aufderhaar, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to provide Lynch's invention with door skin laminated of phenolic resin-impregnated paper and sealer applied to exterior surfaces. The motivation for doing so would have been to provide weather resistance to door panels and also to enhance the appearance of the door surfaces.

(10) Response to Argument

With respect to appellant's argument that Lynch does not teach a molded door skin having bond strength of at least 2.0N/mm² (or preferably a bond strength of at least about 2.5N/mm²) being unobvious over the prior art, the examiner is of another opinion. Although the prior art does not specifically teach the preferred range of bonding strength, appellant's disclosure fails to show the criticality for specifically claimed bonded strength. Accordingly, it would have been obvious for one of ordinary skill in the art at the time of the invention to use the bonded strength range since such a modification would have resulted in an expected result, ie. a stronger door skin. As an added note, appellant's disclosure, pages 6-9 (as preferred by the applicant's remarks) expressly stated that "preferably a bond strength of at least about 2.5N/mm²" would made a better bonding strength than the prior art, Masonite Corporation (1.4N/mm²). At the time of the invention was made, one having an ordinary skill in the art would obviously made a stronger bonding (greater than 1.4N/mm²) by providing a stronger bonding material to achieve a desirable result, 2.0-2.5N/mm², etc. It should be noted that the claims are drawn to an article; therefore, only structural limitations are considered for patentable weight. As stated above, having a specific range of bonding

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strength to meet desirable application would have been considered “obvious to try” choosing from a finite number of predictable solutions to have a predictable result (KSR International Co. v. Teleflex Inc., 550 U.S.-, 82 USPQ2d 1385).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Chi Q Nguyen/

Examiner, Art Unit 3635

/Richard E. Chilcot/

Supervisory Patent Examiner, Art Unit 3635

Conferees:

Richard Chilcot, SPE /R. E. C./

Brian Glessner, SPE /BG/